

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA**

SAMLY MILAVONG,  
Plaintiff,  
v.  
FRANK BISIGNANO,  
Commissioner of Social Security<sup>1</sup>,  
Defendant.

) Case No.: 1:24-cv-0278 JLT BAM  
)  
)  
ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS AND GRANTING  
PLAINTIFF'S MOTION FOR ATTORNEY'S FEES  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT  
)  
(Docs. 23, 25)  
)

Samly Milavong seeks an award of attorney's fees in the amount of \$7,190.03 pursuant to the Equal Access to Justice Act, 28 U.S.C. § 2412(d). (Doc. 23.) The magistrate judge found Plaintiff was a prevailing party. (Doc. 25 at 2.) The magistrate judge also observed the Commissioner did not argue the position on appeal was justified, because the Commissioner did not oppose the fee request. (*See id.* at 2-3.) The magistrate judge determined the requested amount was reasonable, based upon the hourly rates, number of hours worked, and the results obtained. (*Id.* at 3-6.) Therefore, the magistrate judge recommended the Court grant the motion. (*Id.* at 6.)

The Court served the Findings and Recommendations on all parties and notified them that any objections were due within 14 days. (Doc. 25 at 7.) The Court advised the parties that “failure to file objections within the specified time may result in the waiver of the ‘right to challenge the magistrate’s

<sup>1</sup> Frank Bisignano became the Commissioner of Social Security on May 6, 2025. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, the Court substitutes Frank Bisignano as the defendant in this action.

1 factual findings' on appeal." (*Id.*, quoting *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014).)  
2 Neither party filed objections, and the time to do so has passed.

3 According to 28 U.S.C. § 636 (b)(1), this Court performed a *de novo* review of the case.  
4 Having carefully reviewed the matter, the Court concludes the Findings and Recommendations are  
5 supported by the record and proper analysis. Thus, the Court **ORDERS**:

- 6 1. The Findings and Recommendations dated July 2, 2025 (Doc. 25) are **ADOPTED** in full.
- 7 2. Plaintiff's motion for attorneys' fees (Doc. 23) is **GRANTED**.
- 8 3. Plaintiff is **AWARDED** fees in the amount of **\$7,190.03** pursuant to the EAJA.
- 9 4. If the Department of the Treasury determines that Plaintiff does not owe a federal debt, the  
10 Government **SHALL** issue the fee award directly to Plaintiff's counsel pursuant to the  
11 Assignment Agreement executed by Plaintiff and her counsel.

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13 IT IS SO ORDERED.

14 Dated: July 17, 2025

  
UNITED STATES DISTRICT JUDGE

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